



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Geoffrey B. Rhoads

Application No.: 10/656,076

Filed: September 4, 2003

For: DIGITAL AUTHENTICATION  
WITH DIGITAL AND ANALOG  
DOCUMENTS

Examiner: Andrew W. Johns

Date: September 3, 2004

Art Unit: 2621

Conf. No.: 8345

**CERTIFICATE OF MAILING**

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on September 3, 2004, as First Class Mail in an envelope addressed to: Mail Stop Amendment, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

Steven W. Stewart  
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**37 CFR 1.607 REQUEST FOR  
AN INTERFERENCE WITH A PATENT**

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Sir:

I. 37 CFR 1.607(a)(1)

The patent is U.S. Patent No. 6,487,301 B1 issued November 26, 2002, and naming Jian Zhao as inventor (hereafter "the Zhao Patent").

II. 37 CFR 1.607(a)(2)

Applicant proposes the following count, which is in the format approved by the Commissioner in *Orikasa v. Oonishi*, 10 USPQ2d 1999, 2003 (Comm'r 1990), and *Davis v. Uke*, 27 USPQ2d 1180, 1188 (Comm'r 1993):

Claim 1 in the Zhao patent;

OR

Claim 1 in the above referenced application (hereafter referred to as “the present application”).

### III. 37 CFR 1.607(a)(3)

Claims 1-4 and 6-11 in the Zhao patent correspond to the proposed count.

### IV. 37 CFR 1.607(a)(4)

Claims 1-10 in the present application correspond to the proposed count.

While dependent claims 2-10 do not correspond exactly to the proposed count, applicant does not currently argue that any of those claims is drawn to a separate patentable invention within the meaning of 37 CFR 1.601(n).

### V. 37 CFR 1.607(a)(5)

The terms of those claims in the present application that are identified as corresponding to the proposed count and not previously in the present application can be applied to the disclosure of the present application as discussed in the following table.

Table

|  |   |
|--|---|
| 1. Apparatus which authenticates a digital representation of an object from which an analog form may be made, the apparatus comprising:  | See, e.g., page 20, lines 28-30; see also page 71, lines 6-9 and lines 20-24; see also page 72, lines 1-14; and FIGS. 22-24 and 27.<br><br>The term “apparatus” is met, e.g., by a computer, which is supported throughout the present application. |
| an authenticator which uses first information in a first portion of the digital representation to produce first authentication information, the first information also being obtainable from a third | See, e.g., the present application at, e.g., page 71, lines 20-23 (“As noted above, the present invention enhances the security associated with the use of photo ID documents by supplementing the  |

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| portion of the analog form that is made from the first portion; and   | <p>photographic image with encoded information (which information may or may not be visually perceptible), thereby facilitating the correlation of the photographic image with other information concerning the person, such as the printed information 1012 appearing on the document 1000.”).</p> <p>See also page 72, lines 8-9.</p> <p>See also page 42, line 25 through page 43, line 6.</p> <p>The term “authenticator” is met, e.g., by a computer processor, which is supported throughout the present application.</p> |
| an incorporator which incorporates the first authentication information in a second portion of the digital representation, the authentication information also being obtainable from a fourth portion of the analog form that is made from the second portion.  | <p>See, e.g., page 71, lines 20-23; see also FIGS. 27; see also page 72, lines 8-14; and see also page 71, line 6 through page 73, line 3.</p> <p>The term “incorporator” is met, e.g., by a computer processor, which is supported throughout the present application.</p>   |
| 2. The apparatus set forth in claim 1 wherein: the digital representation includes items of data, each item has more significant components and less significant components, the first portion is certain more significant components of the item, and the second portion is certain less significant components of the item. | <p>See, e.g., page 71, lines 13-15 and 20-24.</p> <p>See, e.g., Fig. 27.</p>  |
| 3. The apparatus set forth in claim 2 wherein: the items are pixels and the components are bits in the pixels.  | <p>The terms “pixel” and “bits” are supported throughout the present application. (See, e.g., page 61, line 13, and page 5, line 30 through page 6, line 3).</p>  |
| 4. The apparatus set forth in claim 2 wherein: the items are signal samples and the components are bits in the signal samples.  | <p>See, e.g., page 5, line 30 through page 6, line 3.</p> <p>See, e.g., page 71, lines 13-15 and 20-24.</p> <p>See, e.g., Fig. 27.</p>  |
| 5. The apparatus set forth in claim 1 wherein: the digital representation includes an image, the first portion is a first specific region of the image, and the second portion is a second  | <p>See, e.g., Fig. 27.</p> <p>See also page 71, lines 13-15 and 20-24.</p>  |

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|---|--|
| specific region of the image.   | See also page 5, line 26 through page 6, line 3  |
|   |  |
| 6. The apparatus set forth in claim 1 wherein: the digital representation includes a document layer and an image layer, the first portion is the document layer, and the second portion is the image layer. | See, e.g., Fig. 27.<br><br>See also page 71, lines 13-15 and 20-23.  |
|   |  |
| 7. The apparatus set forth in claim 1 wherein: the first portion is vector data in the object.  | See, e.g., page 43, line 25 through page 44, line 6.<br><br>See also page 65, line 3 through page 66, line 14. |
|   |  |
| 8. The apparatus set forth in claim 1 wherein: the first portion is content codes in the object.  | See, e.g., page 71, lines 13-15 and 20-23.<br><br>See also page 42, line 25 through page 43, line 5.           |
|   |  |
| 9. The apparatus set forth in claim 8 wherein: the content codes are codes that represent alphanumeric characters; and  | See, e.g., page 71, lines 13-15 and 20-23.<br><br>See also page 42, line 25 through page 43, line 5.           |
| the digital representation includes a document layer that contains the content codes and an image layer; and  | See, e.g., Fig. 27.<br><br>See also page 71, lines 9-12, 13-15 and 20-23.                                      |
| the first portion is the document layer and the second portion is a specific region of the image layer.   | See, e.g., Fig. 27.<br><br>See also page 71, lines 13-15 and 20-23.  |
|   |  |
| 10. The apparatus set forth in claim 1 wherein: the first portion is metadata in the object.  | See, e.g., Fig. 27.<br><br>See also page 71, lines 13-15 and 20-23.  |
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VI. 37 CFR 1.607(a)(6)

37 CFR 1.607(a)(6) seems irrelevant since independent claim 1 was presented prior to one year from the date on which the Zhao patent was granted.

VII. Request For the Benefit of the Filing Dates  
of Applicant's Priority Applications

Applicant is entitled to the benefit of the filing dates of his earlier filed applications for interference purposes if the count reads on at least one adequately disclosed embodiment in the earlier applications.<sup>1</sup> Assuming the Examiner recommends to the board applicant's proposed count, applicant clearly meets this standard. This is demonstrated, e.g., by the fact that the present application is a continuing application of U.S. Patent Application No. 08/512,993, which was filed August 9, 1995. The present application includes the disclosure of the '993 application. (The present application also variously claims benefit back to November 1993.).

VIII. 37 CFR 1.608

37 CFR 1.608 is irrelevant since the effective filing date of the present application precedes the effective filing date of the Zhao patent.

For the foregoing reasons the party Geoffrey B. Rhoads should be the senior party in the requested interference.

Date: September 3, 2004

Respectfully submitted,

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<sup>1</sup> Weil v. Fritz, 572 F.2d 856, 865-66 n. 16, 196 USPQ 600, 608 n.16 (CCPA 1978).